



MANAGEMENT REPORT

Date: August 12, 2024
To: Mayor and Council
From: Tatiana Dafoe, City Clerk
Report Number: COU24-088
Attachments: Appendix A: Final Closed Meeting Investigation Report 36684-7

Title: Closed Meeting Investigation Report 36684-7

Objective: To receive the Closed Meeting Investigation Report No. 36684-7 dated July 25, 2024.

Background: As of January 1, 2008 any person may request that an investigation be undertaken questioning whether a municipality or local board, or a committee of either, has complied with the closed meeting rules outlined in the Municipal Act, 2001 (the Act).

Pursuant to Section 239(2) of the Act, the City has appointed Local Authority Services Limited (LAS) to provide Closed Session meeting investigation services to the City. LAS is a subsidiary of the Association of Municipalities of Ontario (AMO). It is the role of the investigator to determine compliance with the Municipal Act or the City of Stratford's Procedure By-law with respect to closed meetings and provide a report on the results of such investigations.

LAS has retained and delegated authority to Cunningham, Swan, Carty, Little & Bonham LLP to act as the alternate closed meeting investigator to its participating municipalities. As the closed meeting investigator, they are authorized to conduct investigations on meetings or parts of meetings which are closed to the public.

Section 239 of the Act provides that all meetings of a municipality, including its Council, local boards, and committees, shall be open to the public. Section 239(2) includes a list of exceptions that may be considered in a session closed to the public.

Analysis: On July 4, 2024, the Clerk's Office received a request to investigate the January 8, 2024, and June 3, 2024, Committee of the Whole In-camera Sessions. The request concerned the decision-making process leading to the City entering into Minutes of Settlement in an Ontario Land Tribunal matter.

The request was provided to the Closed Meeting Investigator and the final report with the findings of their investigation is attached as Appendix A. The report from the Investigator concluded that:

- “In terms of the January 8th meeting, we repeat our finding that the rules regarding closed sessions were followed...” and
- “the complaint does not disclose any violations of the closed session sections of the Act”.

Closed meeting investigation services are funded by the City with \$50,000 having been included in the 2024 budget. Under the City’s contractual arrangements with the Local Authority Services (LAS), a business services arm of AMO, a \$200 per year retainer is paid to serve as the City’s closed meeting investigator. A further fee paid at an hourly rate, plus taxes and reasonable out of pocket expenses, is also payable upon receipt of an itemized invoice. The City has not received the invoices for work performed.

Approximately \$20,000 is placed in a reserve annually to cover any additional costs for closed meeting investigation services. The City will continue to place funds in the annual budget for these services.

Financial Implications:

Financial impact to current year operating budget: There are no anticipated impacts to the 2024 operating budget outside of the budgeted amounts noted.

Financial impact on future year operating budget: There are no anticipated impacts to future year operating budgets outside the budgeted amounts noted.

Alignment with Strategic Priorities:

Not applicable: This report does not align with one of the Strategic Priorities as the Municipal Act provides that any person or corporation may request an investigation into a closed meeting.

Alignment with One Planet Principles:

Not applicable: This report does not align with One Planet Principles as the Municipal Act provides that any person or corporation may request an investigation into a closed meeting.

Staff Recommendation: THAT the Closed Meeting Investigation Final Report 36684-7 dated July 25, 2024, be received for information.

Prepared by: Tatiana Dafoe, City Clerk
Recommended by: Karmen Krueger, CPA, CA, Director of Corporate Services
Joan Thomson, Chief Administrative Officer